

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RAYMOND Q.,

Plaintiff,

v.

**5:18-CV-544
(FJS/CFH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

OFFICE OF JOHN L. BARDSLEY
HSBC Bank Building, Second Floor
36 Main Street
P.O. Box 166
Cortland, New York 13045
Attorneys for Plaintiff

JOHN L. BARDSLEY, ESQ.

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL
COUNSEL, REGION II**
26 Federal Plaza, Room 3904
New York, New York 10278
Attorneys for Defendant

FERGUS J. KAISER, ESQ.

SCULLIN, Senior Judge

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) seeking a review of Defendant's decision denying his application for disability insurance benefits and supplemental security income ("SSI") benefits. *See* Dkt. No. 1, Complaint. Plaintiff moved to remand for a further hearing, and Defendant cross-moved for a judgment on the pleadings. *See* Dkt. Nos. 11, 12.

After reviewing the record and the parties' arguments, Magistrate Judge Hummel issued a Report-Recommendation and Order, dated August 7, 2019, in which he recommended that this Court

deny Plaintiff's motion and grant Defendant's motion. *See* Dkt. No. 13 at 20. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendation made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's August 7, 2019 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's August 7, 2019 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

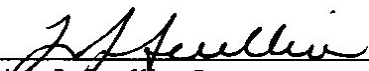
ORDERS that Plaintiff's motion to remand, *see* Dkt. No. 11, is **DENIED**; and the Court further

ORDERS that Defendant's motion for judgment on the pleadings, *see* Dkt. No. 12, is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: September 30, 2019
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge